

[BAY TMDL COMMENT LETTER TEMPLATE FOR POTOMAC-SHENANDOAH,  
RAPPAHANNOCK, AND EASTERN SHORE WWTP OWNERS]

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**Submitted Online ([www.regulations.gov](http://www.regulations.gov))**

Water Docket  
Environmental Protection Agency  
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Washington, DC 20460

**Submitted by Email ([vabaytmdl@dc.virginia.gov](mailto:vabaytmdl@dc.virginia.gov))**

Department of Conservation and Recreation  
Commonwealth of Virginia  
203 Governor Street  
Richmond, VA 23219

**Re: EPA Water Docket ID No. EPA-R03-OW-2010-0736, Draft Total Maximum Daily Load  
("TMDL") for the Chesapeake Bay; and Virginia Chesapeake Bay Watershed  
Implementation Plan ("WIP")**

To Whom It May Concern:

Thank you for the opportunity to comment on EPA's Draft TMDL for the Chesapeake Bay and Virginia's WIP.

The Town of Colonial Beach owns and operates a municipal wastewater treatment plant ("WWTP") that cleans and discharges highly-treated wastewater within the Chesapeake Bay watershed pursuant to a state-issued National Pollutant Discharge Elimination System ("NPDES") permit.

**INCLUDE THIS PARAGRAPH AT FACILITY WITH NUTRIENT UPGRADE:**

We expect to do our part for the Bay restoration. In fact, our WWTP has recently completed a construction upgrade with the latest nutrient removal technology. The work was comprised of utilizing existing tanks and new equipment to biologically and or chemically remove pollutants to produce a high quality plant effluent. Our NPDES requires the removal of Biological Oxygen Demand (BOD), Ammonia Nitrogen (NH<sub>3</sub>-N), Total Suspended Solids (TSS), Oil & Grease (O&G), Total Nitrogen (TN), Total Phosphorus (TP), Fecal Coliform and Enterococci pollutants prior to discharge into Monroe Bay, a tributary of the Potomac River. The largest part of this project was the installation of a Tertiary Denitrification Filter System. This unit ultimately performs a "final polish" of the effluent before discharge. A carbon source solution must be dosed into this filter to provide a suitable carbon food source for the growth of carbonaceous denitrification bacteria in the filters to remove nitrate nitrogen by biological denitrification. The capital cost of this project was over eight million dollars. This upgrade has also increased our annual budget with the associated costs for chemical addition, increasing the production and disposal costs of biosolids and the overall increase of maintenance, electricity and operational costs. Our facility upgrade was necessary to meet the 2010 Nutrient Removal Mandate.

We have significant concerns with EPA's Draft TMDL and object to EPA's threatened "backstop" actions against WWTPs. EPA currently proposes to cut Virginia's stringent nutrient wasteload allocations ("WLAs") currently set forth in Virginia's EPA-approved Water Quality Management Planning Regulation, 9VAC25-720, and Chesapeake Bay Watershed General Permit Regulation, 9VAC25-820 (collectively, the "Virginia Regulations"). EPA also threatens to cut WWTP allocations further to so-called "full backstop" levels, which would decrease the concentration basis further (3 mg/L TN and 0.1 mg/L TP at design flow) and possibly even the flow basis to past flow levels (2007 to 2009 average flow rather than design flow). This would reflect an unfair, punitive action by EPA that would do little to advance the Bay cleanup, which necessarily depends on major nonpoint source reductions because the Bay is nonpoint source dominated system with roughly 80 percent of the nutrient load attributable to nonpoint sources.

EPA is considering these potential cuts under a new EPA guidance letter on "reasonable assurance" and EPA's initial view that Virginia has given inadequate assurance that nonpoint sources (*e.g.*, agricultural sources) will reduce their nutrient loads according to plan. We disagree with EPA's initial view given Virginia's good track record of achieving nonpoint reductions. We also question whether EPA's unpromulgated reasonable assurance guidance is even legal given that operates as if EPA's previously proposed but withdrawn reasonable assurance regulation had actually been put into effect.

We understand that the Draft TMDL is fundamentally and materially flawed. These deficiencies are thoroughly documented in the comments of the Virginia Association of Municipal Wastewater Agencies, Inc. ("VAMWA"). We request that EPA fully consider and address all of VAMWA's comments, which we generally support and hereby incorporate by reference as if fully set forth herein.

In closing, what is distinctly missing from EPA's Draft TMDL is any appreciation for the major commitments very recently made by EPA and Virginia (the State's adoption and EPA's approval of the Virginia Regulations in 2005 and 2007) and the major financial commitments that local governments have made to implement those requirements including incurring significant public debt (typically with 20 to 30 year repayment terms) and constructing major new facilities (typically built to last 20 to 30 years). As an organization with a demonstrable commitment to clean water, we object to the waste inherent in EPA's threatened override of the Virginia Regulations and Virginia WIP through the Draft TMDL and its elements that relate to our WLAs.

For further information, please contact Robert Murphy at 804-224-7260.

Sincerely,

Robert W. Murphy, Jr.  
Director of Public Works  
Town of Colonial Beach

c: Mr. Alan Pollock, VA DEQ ([alan.pollock@deq.virginia.gov](mailto:alan.pollock@deq.virginia.gov))  
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